

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CENTRIA HOME REHABILITATION, LLC,
A Michigan limited liability company
And CRYSTAL KOEBRUGGE,

Plaintiffs,

V

No.
Hon.

ALLSTATE INSURANCE COMPANY,
A foreign insurer,

Defendant.

CHRIS CAMPER (P74293)
LIPTON LAW
Attorney for Plaintiff
18930 W. 10 Mile Rd., #3000
Southfield, MI 48075
(248) 557 1688
Chris@liptonlaw.com

DONALD C. BROWNELL (P48848)
VANDEVEER GARZIA, P.C.
Attorney for Defendant ALLSTATE
840 W. Long Lake Rd., Ste. 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw.com

NOTICE OF REMOVAL

NOW COMES the Defendant, ALLSTATE INSURANCE COMPANY, by and through its attorneys, VANDEVEER GARZIA, P.C., and hereby removes this cause of action to the United States District Court for the Eastern District of Michigan, Southern Division, and states as follows:

1. Defendant, Allstate Insurance Company, is a party to a civil action brought against them in the Circuit Court for the County of Oakland, State of Michigan, entitled:

CENTRIA HOME REHABILITATION, LLC,
A Michigan limited liability company
And CRYSTAL KOEBRUGGE,

Plaintiffs,

V

No. 16-153475-NF
Hon. Martha Anderson

ALLSTATE INSURANCE COMPANY,
A foreign insurer,

Defendant.

2. A copy of each and every pleading served upon Defendant and filed by Defendant, specifically, Plaintiff's Complaint, is attached hereto and that no further proceedings have been had in the State Court action.

3. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332, 1441 and 1446, and one which may be removed to this Court by this Defendant pursuant to the provisions of Title 28, United States Code, Section 1441 and 1446, in that it is a civil action wherein the matter in controversy is alleged to exceed the sum or value of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, exclusive of interest and costs, according to the Complaint, and is between citizens of different states as more specifically set forth below.

4. The Plaintiff Centria Home Rehabilitation L.L.C. is a Michigan limited liability company authorized to transact business in the City of Novi, State of Michigan, and based upon this fact is a citizen of the State of Michigan.

5. That the Plaintiff Centria Home Rehabilitation L.L.C.'s managing member is Christopher Wilcox, who is a resident of the State of Michigan, and as such is a citizen of the State of Michigan.

6. That the Plaintiff Crystal Koebrugge is a resident of the City of Lapeer, County of Lapeer, State of Michigan, and based upon this residency is a citizen of the State of Michigan.

7. Defendant, Allstate Insurance Company, was at the time of the commencement of this action and at all times prior and subsequent thereto, a corporation duly created and organized by and under the laws of the State of Illinois, and by virtue of said incorporation was and is a resident of the State of Illinois, and was not, and is not, and never has been, a corporation created or organized under the laws of the State of Michigan, and was not and is not and never has been, a resident or citizen of the State of Michigan.

8. Defendant, Allstate Insurance Company, does not have and never has had its principal place of business in the State of Michigan, nor is it, nor has it ever been a citizen in the State of Michigan, its principal place of business being Illinois.

9. The Plaintiff alleges in the Plaintiff's Complaint that the Plaintiff sustained serious injuries as a result of a motor vehicle accident, which occurred on October 11, 2013. In the Plaintiff's Complaint, the Plaintiff alleges that the Plaintiff has incurred benefits pursuant to the Michigan No-Fault Automobile Insurance Act, including but not limited to all reasonable charges incurred for the reasonable and necessary product, services and accommodations for an injured person's care, recovery and rehabilitation. Further, the Plaintiff claims in their Complaint that the Plaintiff Centria has incurred charges for services rendered to Crystal Koebrugge, who they allege to be an insured of the Defendant Allstate, in excess of \$95,178.50. Further, the Plaintiff alleges that these amounts remain outstanding and that Allstate Insurance Company is responsible

to pay these amounts to its insured or on its insured's behalf pursuant to the terms of the Michigan No-Fault Act. In this regard, please see the Plaintiff's Complaint attached hereto.

10. Further, pursuant to E.D. Mich. LR 81.1, this Defendant is alleging that the amount in controversy exceeds the required jurisdictional amount, and this Defendant is setting forth facts and information known to this Defendant, at this time, which this Defendant is in possession of, which supports the allegation in this matter that the amount in controversy exceeds \$75,000, the threshold for jurisdiction in this action, based upon the information known to this Defendant at this time. This information includes the fact that as of the date of this Removal, the Defendant Allstate in this action has received a Complaint from the Plaintiff alleging No-Fault benefits in the amount of \$95,178.50 are being claimed, which is in excess of \$75,000, making the amount in controversy in this matter more than \$75,000, based upon the information submitted by the Plaintiff to this Defendant at this time.

11. Further, upon information and belief, the damages sought by the Plaintiff exceed SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS, and the Plaintiff continues to incur alleged damages as a result of No-Fault benefits being incurred, which will allegedly continue. Based upon the allegations of the Plaintiff's Complaint, the Plaintiff's Complaint seeks damages which, with a determination of liability, could render an award in excess of SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS, exclusive of interest and costs.

12. Therefore, the Complaint sets forth damages that, if believed by a jury and with a determination of liability, could render an award of damages against this

Defendant in excess of SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS, exclusive of interest and costs, with the damages alleged by the Plaintiff as allegedly the responsibility of this Defendant.

11. The removal of this case has been filed within thirty (30) days after the receipt by the Defendant of the Summons and Complaint, the same having been first served on Defendant, Allstate Insurance Company, via Certified Mail on June 24, 2016. A copy of the Summons and Complaint is attached to this Notice of Removal.

12. That the Defendant seeks removal of this action from the Circuit Court for the County of Oakland, State of Michigan to the United States District Court, Eastern District of Michigan, Southern Division.

WHEREFORE, Defendant, ALLSTATE INSURANCE COMPANY, an Illinois Corporation, prays that the above-entitled action pending against it in the Circuit Court for the County of Oakland, State of Michigan, be removed therefrom to this Honorable Court.

VANDEVEER GARZIA, P.C.

By: /s/Donald C. Brownell
DONALD C. BROWNELL (P48848)
Attorneys for Defendant
840 W. Long Lake Road, Suite 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw

VANDEVEER GARZIA, P.C.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by such filing to the foregoing and mailing the same to his respective business addresses as disclosed by the pleadings of record herein, with postage fully prepaid thereon on July 20, 2016. I declare under the penalty of perjury that the statement above is true to the best of my information knowledge and belief.

VANDEVEER GARZIA, P.C.

By: /s/Donald C. Brownell
DONALD C. BROWNELL (P48848)
Attorneys for Defendant
840 W. Long Lake Road, Suite 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw

VANDEVEER GARZIA, P.C.

v:\dcb\centria koebrugge new\pleadings\removal.doc



**Service of Process
Transmittal**

06/24/2016

CT Log Number 529394967

TO: Joseph Orefice
Allstate Insurance Company
27555 Executive Dr Ste 225, Metro Detroit Auto
Farmington Hills, MI 48331-3589

RE: Process Served In Michigan

FOR: Allstate Insurance Company (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Centria Home Rehabilitation, L.L.C., etc. and Crystal Koebrugge, Pltfs. vs. Allstate Insurance Company, etc., Dft.

DOCUMENT(S) SERVED: Summons, Proof of Service, Complaint, Interrogatories, Notice(s)

COURT/AGENCY: Oakland County - 6th Circuit Court, MI
Case # 2016153475NF

NATURE OF ACTION: Insurance Litigation - Claim for policy benefits

ON WHOM PROCESS WAS SERVED: The Corporation Company, Bingham Farms, MI

DATE AND HOUR OF SERVICE: By Certified Mail on 06/24/2016 postmarked on 06/15/2016

JURISDICTION SERVED : Michigan

APPEARANCE OR ANSWER DUE: Within 28 days (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Chris Camper
Lipton Law
18930 W. 10 Mile Rd.
#3000
Southfield, MI 48075
248-557-1688

ACTION ITEMS: CT has retained the current log, Retain Date: 06/24/2016, Expected Purge Date: 06/29/2016

Image SOP

Email Notification, Ryan Delsenroth rdeis@allstate.com

Email Notification, Joseph Orefice joref@allstate.com

Email Notification, Joseph O'Brien Joe.O'Brien@allstate.com

SIGNED:

ADDRESS: The Corporation Company
30600 Telegraph Road
Suite 2345
Bingham Farms, MI 48025-5720

TELEPHONE: 248-646-9033

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 16-153475-NF
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Court address

Court telephone no.

1200 N. Telegraph, Pontiac, MI

Plaintiff's name(s), address(es), and telephone no(s).
Centria Home Rehabilitation, LLC a Michigan Limited Liability Company, and Crystal Koebrugge

v

Defendant's name(s), address(es), and telephone no(s).
Allstate Insurance Company

Plaintiff's attorney, bar no., address, and telephone no.

Chris Camper (P74293)
Attorney for Plaintiff
18930 W. 10 Mile Road
Southfield, MI 48075
(248) 557-1688

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/Pages/efiling

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued JUN 15 2016	This summons expires SEP 13 2016	Court clerk Lisa Brown
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in Oakland County Circuit Court.

The action ☐ remains ☒ is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 14-143770-NF	Judge Martha Anderson	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Oakland County	Defendant(s) residence (include city, township, or village) Oakland County
Place where action arose or business conducted Oakland County	

06/15/2016

Date

/s/ Chris Camper

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

Received for Filing Oakland County Clerk 2016 JUN 15 AM 11:25

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. 16-153475-NF

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE/AFFIDAVIT OF SERVICE/ONSERVICE☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with

List all documents served with the Summons and Complaint

Plaintiff's Interrogatories & Request to Produce along with Notice of Deposition of Mary Fabudeau-CR

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
<i>The Corporation Company</i>	<i>3060P Telegraph Bingham Farms, MI 48025</i>	<i>6-16-16</i>

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Maryanne Balaban
Maryanne Balaban
Legal Assistant

Subscribed and sworn to before me on _____ Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: _____

Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments _____

_____ on

Day, date, time

on behalf of _____

Signature _____

Received for Filing Oakland County Clerk 2016 JUN 15 AM 11:25



LIPTON
LAW

THE FIRM YOU NEED

Received for Filing Oakland County Clerk 2016 JUN 14 PM 01:44

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/Pages/efiling.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CENTRIA HOME REHABILITATION, L.L.C.
a Michigan limited liability company,
and CRYSTAL KOEBRUGGE,

2016-153475-NF
JDG ANDERSON

Plaintiffs,

Case No. 16- -NF
HON. Martha Anderson

vs

ALLSTATE INSURANCE COMPANY,
a foreign insurer,

Defendant.

LIPTON LAW
CHRIS CAMPER (P74293)
Attorneys for Plaintiff
18930 W. 10 Mile Rd., #3000
Southfield, MI 48075
(248) 557-1688/557-6344 (Fax)
Chris@liptonlaw.com

A civil action between other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in Oakland County Circuit Court. **The docket number and assigned Judge are: Hon. Martha Anderson, Case #: 14-143770-NF. The action is not pending.**

COMPLAINT AND JURY DEMAND

Plaintiffs, Centria Home Rehabilitation, L.L.C., and Crystal Koebrugge, by their attorneys, LIPTON LAW, complain against Defendant, Allstate Insurance Company, as follows:

1. Plaintiff, Centria Home Rehabilitation, L.L.C., (hereafter "Centria"), is a Michigan limited liability company authorized to transact the business of providing reasonably necessary products, services and accommodations for an individual's care, recovery and rehabilitation in the State of Michigan and does, conduct business in Oakland County.

18930 W. 10 Mile Rd.
Suite 3000

Southfield, MI 48075

Phone: 248.557.1688

Fax: 248.557.6344

www.liptonlaw.com

2. Plaintiff Crystal Koebrugge is a resident of the City of Lapeer, County of Lapeer, State of Michigan.

3. Defendant, Allstate Insurance Company (hereafter "Allstate"), is a foreign insurer, authorized to transact the business of issuing and servicing no-fault insurance policies in the state of Michigan, and does, in fact, regularly and systematically conduct business in Oakland County, and has serving as its registered agent, The Corporation Company, 30600 Telegraph Rd., #2345, Bingham Farms, MI 48025.

4. Venue is proper in Oakland County because under the contract venue statute, MCL 600.1621, Defendant does business in Oakland County.

5. Subject matter jurisdiction is proper because the amount in controversy does exceed Twenty-Five Thousand (\$25,000.00) and the subject matter of this litigation is otherwise within the jurisdiction of this Honorable Court.

COUNT I
STATUTORY AND CONTRACT ACTION FOR
NON-PAYMENT OF NO-FAULT BENEFITS
(Centria)

6. Plaintiffs incorporate paragraphs 1-5 of this Complaint.

7. On October 11, 2013, Defendant Allstate's insured, Crystal Koebrugge, sustained accidental bodily injuries arising out of the operation of a motor vehicle, as a motor vehicle, and at the time she qualified as an insured individual of the Defendant pursuant to one or more of the provisions set forth in §3114 and/or §3115 of the Michigan No-Fault Automobile Insurance Act [MCL 500.3101 et seq].

8. As a result of this motor vehicle accident in which Defendant's insured was involved, she was statutorily and contractually entitled to recover no-fault personal protection insurance benefits from Defendant, pursuant to the provisions of the No-Fault Act, including

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CENTRIA HOME REHABILITATION, LLC,
A Michigan limited liability company
And CRYSTAL KOEBRUGGE,

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V

No.
Hon.

ALLSTATE INSURANCE COMPANY,
A foreign insurer,

Defendant.

CHRIS CAMPER (P74293)
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Attorney for Plaintiff
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Attorney for Defendant ALLSTATE
840 W. Long Lake Rd., Ste. 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw.com

CERTIFICATE OF COMPLIANCE WITH 28 USC §1446(d)

Defendant Allstate Insurance Company, by and through counsel, hereby certifies that, in accordance with 28 USC §1446(d), it gave written notice of the filing of its Notice of Removal to all parties to this action and that it has filed a copy of the Notice of Removal with the Clerk of Courts for the Circuit Court for the County of Oakland, Michigan.

VANDEVEER GARZIA, P.C.

By: /s/Donald C. Brownell
DONALD C. BROWNELL (P48848)
Attorneys for Defendant
840 W. Long Lake Road, Suite 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by such filing to the foregoing and mailing the same to his respective business addresses as disclosed by the pleadings of record herein, with postage fully prepaid thereon on July 20, 2016. I declare under the penalty of perjury that the statement above is true to the best of my information knowledge and belief.

VANDEVEER GARZIA, P.C.

By: /s/Donald C. Brownell
DONALD C. BROWNELL (P48848)
Attorneys for Defendant
840 W. Long Lake Road, Suite 600
Troy, MI 48098-6340
(248) 312-2800
dbrownell@vgpclaw

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